UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

RUBEN CARRILLO,	§	
TDCJ No. 635597,	§	
	§	
Petitioner,	§	
	§	
v.	§	SA-19-CA-01028-OLG (ESC)
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER DIRECTING RESPONDENT TO ANSWER PETITION

The matter before the Court is Petitioner's Amended 28 U.S.C. § 2254 Petition for a Writ of Habeas Corpus by a Person in State Custody (ECF No. 9). Petitioner is proceeding *pro se* in these proceedings and has been granted *in forma pauperis* status (ECF No. 13). Having reviewed the submissions, and in accordance with Rules 4 and 5 of the Rules Governing Section 2254 Cases, the Court orders the Respondent to file an answer or other responsive pleading to the amended petition.

- 1. <u>Service on Respondent</u>. The Respondent in this case is represented by the Office of the Attorney General ("AG"). In accordance with a standing agreement between the Court and the AG, the Court electronically served the designated AG representative, Edward L. Marshall, Assistant Attorney General, Chief of the Criminal Appeals Division, at edward.marshall@oag.texas.gov, as well as Laura Haney at laura.haney@oag.texas.gov.
- **Respondent's Answer.** Respondent must answer the petition within thirty (30) days after receiving this order. The answer, or other responsive pleading, should comply with Rule 5 of the Rules Governing Section 2254 Cases and Rule 12 of the Federal Rules of Civil Procedure. Respondent must serve Petitioner with a copy of the answer or other responsive pleading in accordance with Rule 5(b) of the Federal Rules of Civil Procedure.

- **State Court Records.** Respondent must provide the Court with the relevant state court or administrative records on or before thirty (30) days after filing an answer or other responsive pleading.
- **Petitioner's Reply.** Petitioner may file any reply to an answer or other pleading filed by Respondent on or before twenty (20) days after Petitioner receives the answer or other pleading.
- 5. <u>Duty to Serve Opposing Counsel</u>. Under Rule 5 of the Federal Rules of Civil Procedure and Local Court Rule CV-5, Petitioner must serve a copy of any pleading, motion, or other document filed upon counsel for Respondent (the attorneys listed in Paragraph 1). Further, when filing a document, Petitioner must include a certificate of service that indicates the date and method (such as by hand-delivery, certified mail, first class mail, etc.) being used to serve Respondent's counsel of record. If Petitioner files a document that does not include this certificate of service, the Court will disregard the filing.
- 6. <u>Duty to Inform Court of Change of Address</u>. If Petitioner's address changes, Petitioner must immediately notify the Clerk and Respondent's counsel in writing of the change. Petitioner should file a document with the new address with the Court and title it "Notice to the Court of Change of Address." This document should not include any motions or other matters. If Petitioner fails to immediately notify the Clerk and Respondent's counsel of any change in Petitioner's mailing address, the Court could dismiss the petition.
- 7. Consent to Magistrate Judge. Because of the District Court's busy docket, the parties may wish to consent to have this case decided by a Magistrate Judge. If the parties consent, then a Magistrate Judge and not a District Judge will preside over the case and will enter the final judgment. See 28 U.S.C. § 636(c). Within thirty (30) days from the date of this Order, the parties must complete the attached form, which informs the Court whether or not the parties consent, and file it with the Court.

It is so **ORDERED**.

SIGNED this 27th day of August, 2019.

ELIZABETH S. ("BETSY") CHES U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

RUBEN CARRILLO, TDCJ No. 635597, Petitioner, S SA-19-CA-01028-OLG (ESC) LORIE DAVIS, Director, Texas Department of Criminal Justice, Correctional Institutions Division, Respondent, ADVISORY TO THE CLERK OF COURT The undersigned party in the above captioned case elects as follows (please select only one of the following options): I Consent to Proceed Before A United States Magistrate Judge in accordance with provisions of 28 U.S.C. § 636. The undersigned party in the above captioned case waives the right to proceed before a United States District Judge and consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including rendering a decision, and to order the entry of final judgment. Any appeal shall be taken to the United States Court of Appeals for the Fifth Circuit in accordance with 28 U.S.C. § 636(c)(3). I Do Not Consent to Proceed Before A United States Magistrate Judge. The undersigned party in the above captioned case elects not to have this case decided by a United States Magistrate Judge, and prefers that this case proceed before the District Judge. Party Name	RUBEN C TDCJ No.	CARRILLO, 635597,	§ § 8		
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